

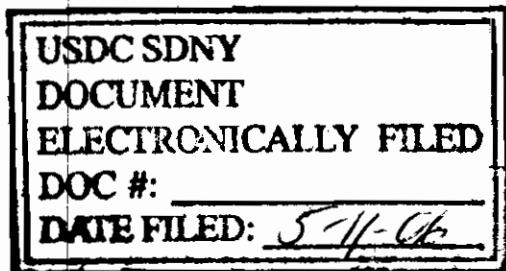
Robert M. Silversen, Jr.  
Joseph T. Pareres\*  
Victoria A. Lombardi

Nancy I. Maltin  
Rachel H. Poritz  
Brennan J. Foley  
Jeffrey J. Schietzelt  
Craig J. Kamback

\*Also Admitted in Connecticut

Telephone: (212) 557-1818  
Facsimile: (212) 557-1336

Brian McCaffrey  
Melissa C. Meyers  
Of Counsel



May 8, 2006

Honorable Harold Baer, Jr.  
500 Pearl Street, Chambers 2230  
New York, New York 10007

**Re: Williams v. St. Clare's Hospital and Health Center  
Index No: 05 Civ. 5909**

Dear Justice Baer:

I am defense counsel for St. Clare's Hospital and Health Center, now known as St. Vincent's Midtown Hospital, in the above matter and am writing to the Court seeking an extension of time within which to conduct discovery in the above matter due to extraordinary circumstances.

The undersigned and the pro-se plaintiff Mr. Jimmie Williams appeared before Your Honor on October 31, 2005, at which time a Pretrial Scheduling Order was signed. That Order dictates a trial date in September 2006, with the end of discovery on May 1, 2006.

Quite simply, the undersigned has not received a single piece of discovery from the pro-se plaintiff Mr. Williams. Defense counsel only received an incomplete copy of the St. Clare's Hospital chart from plaintiff during the October 2005 conference. We provided plaintiff with responses to his discovery demands. However, we have never been provided with a single authorization to obtain the relevant and necessary medical records, or any responses to our discovery demands and interrogatories which were served upon plaintiff.

The undersigned attempted to contact Mr. Williams by mail and telephone on several occasions, but never received any response. I telephoned your chambers on April 25, 2006 seeking guidance from your law clerk Dan Silver. Mr. Silver advised me that

Case 1:05-cv-05909-HB Document 17 Filed 05/11/2006 Page 2 of 3

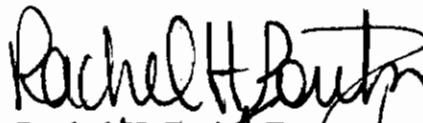
By letter dated April 25, 2006, the undersigned mailed Mr. Williams a package containing all of the discovery responses and demands previously served upon him. I also attempted to find out from the prison officials about his possible release date, but the only information they had was that he was arrested on a parole violation and brought in by a Federal Marshall.

Thereafter, an attorney contacted me and advised that he does not represent Mr. Williams, but was calling as a courtesy to advise that Mr. Williams had received my package in prison. This attorney advised that his firm was considering representing Mr. Williams on a pro bono basis, but that a decision had not yet been made. He also advised that Mr. Williams anticipated that he will be out of prison by the end of the month, but he did not have definitive information.

Based upon the foregoing, as well as the fact that this is a serious medical malpractice case in which a review of Mr. Williams' medical records is absolutely essential to the defense of this action, I hereby request additional time within which to conduct discovery. Mr. Williams claims in this lawsuit that defendant incorrectly treated him for HIV based upon his claim that he tested negative for HIV. Absent the opportunity to conduct discovery, particularly a review of the records which allegedly document his HIV negative status, defendants will be irreparably prejudiced and unable to properly defend this action.

Thank you for your courtesies and guidance.

Sincerely yours,



Rachel H. Porte, Esq.

CC: Jimmie Meccya Williams  
Southern Regional Jail  
1200 Airport Road  
Beaver, West Virginia 25813-9423

*Appears that it was held that  
represented & you represent that  
no parolees or not been released shortly  
& that the T will be released at 3 PM  
so ORDERED: Harold Baer, Jr., U.S.D.J.  
Date: 5/10/06*

Now that it appears that the plaintiff will be represented and you represent that no discovery as yet has been provided and that the plaintiff will be released shortly another Pretrial Conference seems in order, and I am herewith scheduling it for May 25, 2006 at 3:00 p.m.

SO ORDERED.